

# **Great Lakes Legacy Act of 2002 Overview & Planning**

U.S. EPA

Great Lakes National Program Office

# Purpose of Briefing

- Summarize Provisions of Great Lakes Legacy Act
- Discuss Requirements for Sediment Remediation Projects
- Short-Term Project Planning
- Long-Term Project Planning

# Legislative History

- H.R.1070 introduced by Rep Vernon J. Ehlers, on 3/15/2002 (21 Cosponsors)
- S.2544 introduced by Sens. Levin & DeWine on 5/22/2002 (5 Additional Cosponsors)
- “Great Lakes and Lake Champlain Act 2002” passed by Congress on November 12, 2002.
- Signed into law by President Bush on November 27, 2002 (Public Law No: 107-303)
- President’s budget proposes \$15 Million Funding (02/03/2003)

# Provisions of the Great Lakes Legacy Act

- Authorizes \$270M over 5 years from fiscal years 2004-2008
  - \$50M per year for “Projects” which may include: site characterization, assessment, monitoring, remediation, or pollution prevention
  - \$3M per year for technology research
  - \$1M per year for public information program
- Also requires report to Congress on USEPA oversight of Remedial Action Plans (RAPs) by November 27, 2003

# Eligible Projects

The Legacy Act authorizes \$50M per year from FY2004 through FY2008 for contaminated sediment projects in the Great Lakes

“Project” must be in U.S. AOCs and:

- (i) Monitor or evaluate contaminated sediment;
- (ii) Implements a plan to remediate contaminated sediment; or
- (iii) Prevent further or renewed sediment contamination.

# Cost-Sharing

**Non-Federal Cost Share Must be at Least 35% of Total Project Costs and 100% of Operations and Maintenance Costs, and:**

- May include in-kind services contributed by a non-federal sponsor,
- May include monies and in-kind services under an administrative order on consent or judicial consent decree,
- May NOT include any funds pursuant to a unilateral administrative order or court order.

# Funding Priority

Under the Act, priority is given to the following projects:

- (i) Remedial action for contaminated sediment;
- (ii) Projects that have been identified in a Remedial Action Plan and is ready to be implemented;
- (iii) Projects that will use an innovative approach, technology, or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost; or
- (iv) Projects that include remediation to be commenced not later than 1 year after the date of receipt of funds.

# Funding Limitations

**The Administrator may not carry out a project for the remediation of Contaminated sediments within an AOC:**

- **Unless an evaluation of remedial alternatives for the AOC has been conducted, including a review of the short-term and long-term effects of the remedial alternatives on human health and the environment, or**
- **If the Administrator determines that the AOC is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.**

# Maintenance of Effort Requirement

- Prior to initiating projects the non-federal sponsor must enter into agreements with the Administrator to ensure that the non-federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the AOC where the project is located, at or above the average level of such expenditures in the 2 fiscal years preceding the date on which the project is initiated.

# Research Program

- Authorizes \$3M per year for FY2004 through FY2008.
- USEPA to coordinate with other agencies to conduct research on innovative sediment treatment and remediation technologies at U.S. AOCs.
- No non-federal match required

# Public Information Program

- Authorizes \$1M per year for FY2004 through FY2008.
- Provides funding for public outreach/public information at U.S. AOCs regarding sediment remediation
- No non-federal match required

# Summary of Overall Approach

- Strive to implement projects ASAP
- Minimize “process”; focus on “projects”
- Assure consistency with other EPA programs and policies
- Work in partnership with the other federal agencies, states, tribes, industry, NGOs, and other stakeholders

# Key Program Requirements

- Source Control
- Non-Federal Match Funds (35%)
- Alternatives Evaluation (RI/FS Model?)
- Evaluation of Short-Term and Long-Term Effects (RI/FS Model?)
- Maintenance of Effort Agreements
- Implementation of Remedial Action <1 After Receipt of Funding